

PUBLIC CHAPTER NO. 885**HOUSE BILL NO. 2610**

By Representatives Hardaway, Coley, Maddox, Miller, Cooper, Towns, Ulysses Jones, Jim Cobb, Winningham, Kernell, Pinion, Litz, Larry Turner, Brown, Harry Brooks, Dunn, Lollar, Lois DeBerry, Eldridge, McManus, John DeBerry, Camper, Todd, Shaw, Odom, Pitts, Bass, McDonald, Pruitt, Sontany, Windle, Gilmore, Ferguson, Rinks

Substituted for: Senate Bill No. 3232

By Senators Woodson, Marrero, Burks

AN ACT to amend Tennessee Code Annotated, Title 49 and Title 50, relative to whistleblower protection for certain employees of local education agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following as a new section:

50-1-309.

(a) No teacher employed by a local education agency shall be discharged, terminated, or otherwise discriminated against with respect to compensation, terms, conditions or privileges of employment solely for refusing to participate in, or for refusing to remain silent about, illegal activities.

(b) As used in this section, illegal activities means activities that are in violation of the criminal or civil code of this state or the United States or any regulation intended to protect the public health, safety or welfare.

(c)

(1) Any teacher terminated or discriminated against in violation of subsection (a) shall have a cause of action against the employer for violation of this section and any other damages to which the employee may be entitled.

(2) Any teacher terminated or discriminated against in violation of subsection (a) solely for refusing to participate in, or for refusing to remain silent about, illegal activities who prevails in a cause of action against an employer for such prohibited actions shall be entitled to recover reasonable attorney fees and costs.

(d)

(1) This section shall not be used for frivolous lawsuits and anyone who files a frivolous lawsuit is subject to sanction as provided in subdivision (d)(2).

(2) If any teacher files a cause of action for retaliatory discharge for any improper purpose, such as to harass or to cause needless increase in costs to the employer, the court, upon motion or upon its own initiative, shall impose upon the teacher an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred, including reasonable attorney's fee.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: April 29, 2008


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 8th day of May 2008


PHIL BREDESEN, GOVERNOR